

RID (Rule Interpretation Decision)

(Use additional sheets as necessary)

Type of RID	Requested Response Time	DSD Assigned RID # 082
Customer RID <input type="checkbox"/>	24 hours <input type="checkbox"/>	
Internal Staff RID <input type="checkbox"/>	10 working days <input type="checkbox"/>	
	As time available <input type="checkbox"/>	

1. Project Name: Fences

2. Project Number: N/A
(Plat #, Zoning Case #, etc.)

3. Project Street Address: N/A
(If not available nearest intersection of two public streets)

4. Applicant Name: Andrew Spurgin

5. Applicant Address: PDSD

6. Applicant Telephone #: 207-8229

7. Applicant e-mail Address: Andrew.spurgin@sanantonio.gov

8. Rule(s) in Question:
(Section and/or policy of UDC, Building Code, Master Plan, etc)

The UDC is unclear on acceptable fencing materials for properties within residential neighborhoods and for non-residential uses which abut residential uses. Detailed fencing construction standards are provided for residential perimeter fencing, however the requirements of that section could be interpreted to apply to individual lots rather than the perimeter of a multiple lot subdivision.

The provisions for large lot residential fencing are confusing and not consistent with other fencing standards in the UDC and other City Codes. In one case, "open fencing" is used as terminology for large lot fencing, but this is not a term commonly used, "predominantly open" is a more commonly used term to describe fencing that is not solid screen. Provisions for fencing vacant lots is included in the section addressing large lot residential fencing and it is unclear whether properties that are not zoned for large lot residential use and/or small lot vacant properties can use these provisions for vacant lots.

Recently, several applicants have applied to the Board of Adjustment for a variance in fence height to allow 6-foot tall fencing on lots used for parking lots and staff is unclear on which UDC provision to cite to process the customer's variance request. Similarly, allowable fencing for swimming pools and stormwater management facilities has been questioned.

Also, several large scale condominium projects have been proposed and it is unclear whether or not the apartment provisions of the fencing ordinance apply.

Staff consistently have concerns about interpretation of fencing regulations for commercial sites where there are tall and/or barbed wire fences proposed for security purposes or part of the business operations, such as a home improvement or large retail outdoor garden area, surrounded by high fences, or other commercial sites that require a secure fenced interior area, connected to a building.

Finally, the fencing section addresses subdivision perimeter fencing in multiple locations and provides conflicting locational criteria.

9. Applicant's Position:

(Including date position presented and name of city staff point of contact)

Date: 3/3/09

Contact: Andrew Spurgin

Contact Telephone#: 207-8229

Standards for fencing materials are needed to promote the public health, safety and welfare. The fencing materials listed for subdivision perimeter fencing is very general and provides guidance for safe construction materials that are cost efficient and widely available by suppliers in the San Antonio area. Staff of PDSD and other City Department have informed property owners that barbed wire is not allowed within the City of San Antonio, though it is addressed in the Building Code. A mechanism is needed to allow barbed wire in limited cases with appropriate restrictions.

Clarification is needed on the fencing of vacant lots to provide consistency to staff in interpreting the UDC as amended and to provide an avenue for property owners to secure vacant properties and protection from dumping, trespassing and blight. Recently, the Board of Adjustment has heard several cases to allow fencing of parking lots, where the parking lot is the only use on the property. In the absence of a structure on the lot staff has no guidance to the allowable fence heights. Staff's position is that these types of parking lots should be treated the same as vacant lots for the purposes of allowable fencing. Staff believes that swimming pools and stormwater management facilities should qualify under this category as well.

Staff believes that condominium projects should be treated the same as apartment complexes for the purposes of fencing. This is consistent with other requirements such as landscaping, parking and building codes, as well as the use matrix.

Several places in §35-514 address subdivision perimeter fencing, specifically §35-514 (g) provides additional standards for fencing materials and fence design, and 35-514 (d) allows fence heights that differ from other fencing when used for the perimeter of a subdivision. Staff believes that the intent of these provisions is to provide fencing standards for multiple lot residential subdivisions to promote aesthetics, protect the security and safety of homeowners and provide safeguards from future blight. Staff believes that non-residential and/or single lot subdivisions were not intended to be subject to the additional standards for subdivision perimeter fencing.

10. Staff Finding:

(Including date of finding and name of city staff person formulating finding)

Date: 3/3/09 **Contact:** Andrew Spurgin **Contact Telephone#:** 207-8229

The UDC was amended in 2008 to provide provisions for "open fencing" of large lot subdivisions up to 6 feet in height. Staff's position is that there is no such thing as truly "open fencing" and in order to be consistent with other sections of the UDC, "predominantly open" is the appropriate terminology. This section allows such fencing on RE and R-20 lots and in other single family districts "by special exception." Special exceptions are narrowly defined exceptions to the zoning ordinance and require specific provisions indicating the legislative intent of the City Council in the UDC to authorize such exceptions. As the UDC contains no such provisions, staff believes that the reference to special exceptions was intended to refer to §35-399.04 which allows granting of special exceptions to front yard fencing above what is normally authorized by §35-514 in cases where the fencing material is ornamental-iron.

An additional UDC amendment that was adopted in 2008 was the addition of provisions for fencing of vacant properties. The purpose of the amendment was to provide security for property owners and prevent vandalism, illegal dumping and other negative impacts to the welfare of the community. As written, the ordinance combines vacant lots with provisions for large lot single family fencing. Staff believes that the intent was to allow fencing of vacant properties regardless of the zoning classification or lot size. In the absence of a habitable structure, staff finds that a parking lot should be treated the same as a vacant lot for the purposes of fencing.

Staff finds that across existing Department business processes, condominium development is treated the same as apartment complexes including requirements such as landscaping, parking and building codes.

The May 3, 2001 UDC provided new requirements for residential subdivision perimeter fencing that did not exist in the previous UDC. These provisions were placed in §35-514(g). Among the requirements were provisions for fence materials and design, including columns for wooden fences at certain specific intervals and maintenance requirements. So as to not unduly burden the developers of large scale residential subdivisions, these provisions were narrowed to apply only to subdivisions that adjoin collector or arterial streets. As currently written, the provisions of this section only apply to properties subject to subdivision applications and fail to provide direction for platted subdivisions. Staff finds that fencing is customarily constructed at the time of building permitting, which may occur well after the time of subdivision application thereby preventing attainment of this important UDC provision. The fence heights section, 35-514 (d), meanwhile provides provisions for fences of up to 8 feet in height when adjoining the perimeter street of a subdivision, though this section is not specific as to street functional classification. Also, as there are many single-lot subdivisions, it is unclear as to whether this can be used by a single lot or as part of larger multiple lot residential subdivision, consistent with the requirements of 35-514 (g). In 2008, the code was further amended to provide a table of fence heights but curiously the table included a

footnote indicating that the table shall not apply to subdivision perimeter fencing. Staff finds that this footnote is superfluous due to §35-514 (d) (2) under the table which provides:

(2) Notwithstanding the provisions of subsection (d)(1), above [the table of fence heights] , a fence may be erected or altered up to a height of eight (8) feet where:

A. The fence adjoins a perimeter street of the subdivision

Staff finds that the Building Code also addresses fencing as noted below:

Sec. 6-2. Fences.

(a) Height. No fence over six (6) feet high shall be built in the city unless all owners of property abutting the parcel where the fence is to be constructed have been contacted by the development services department, and have expressed no opposition to the proposed fence, or permission has been granted by ordinance adopted by the city council. Provided, that no fence in excess of twelve (12) feet in height shall be allowed under any conditions. This section shall not apply to any fence specifically required or allowed to be higher by some other section of the code.

(b) Barbed wire. It shall be unlawful for any person to erect or cause to be erected on any street or property within the city, any fence composed either wholly or in part of barbed wire, unless the use of such barbed wire is restricted to the placing of not more than three (3) strands thereof at the top of any fence over six (6) feet in height, provided such strand or strands slant away from the street or adjoining property and toward the property such fence may bound. Should the uppermost strand of barbed wire be not more than eighteen (18) inches higher than the top of the fence, and not over ten (10) feet from ground level, the strands of barbed wire shall not be considered in determining fence height restrictions.

(c) Variances. A fence in excess of those height restrictions found in chapter 35 article IV may not be built in any required building setback area in any zones except as allowed in chapter 35 article IV, unless a variance has been obtained from the board of adjustment; however, such a fence may be constructed elsewhere on a parcel upon compliance with this section.

Staff also recognizes the existence of Chapter 28, Signs and Billboards which provides the following definition:

Sign shall mean any object, device, display, structure, description, figure, painting, drawing, message, plaque, placard, poster, or thing or any part thereof, situated outdoors or indoors, that is designed or used to advertise, inform, identify, display, direct, or attract attention to anything by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The foregoing enumeration of signs shall not be considered to be exclusive. The term "sign" shall include all other devices or structures as may reasonably be included under it; whether attached or unattached. This definition excludes all national or state flags, non-electric window displays, graffiti placed without the authority of the property's owner or representative, the official

announcements or signs of government, and athletic scoreboards displaying no otherwise off-premises signage.

As such any messages on fences or walls shall be permitted only in accordance with Chapter 28.

Appendix G of the upcoming 2009 International Residential Code will require "barriers" around swimming pools and staff will be enforcing that provision starting January 2010. The IRC contains a lot of specific construction requirements, but does not contain a maximum height.

11. Staff Position:

(Including date position presented internally and name of city staff person formulating position)

Date: 3/3/09 **Contact:** Andrew Spurgin **Contact Telephone#:** 207-8229

Staff recommends a thorough revision of Section 35-514 "Fences" to remove ambiguity, improve readability, reduce the need for variances and provide standards for safe and cost efficient fencing throughout the City of San Antonio.

Staff recommends moving the fencing material standards from the subdivision perimeter fencing standards to section 35-514 (a) of the ordinance, applicable to all fencing.

All fences shall be constructed of permanent material, such as wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron or other material which are similar in durability. The following materials shall not be used for fencing:

a. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence.

b. Plywood less than five-eighths (5/8) inches thick, plywood not of a grade approved by the code enforcement manager, particle board, paper, and visqueen plastic, plastic tarp, or similar material.

c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury; provided, however, that barbed wire may be permitted under the following circumstances:

1. The fence proposed with barbed wire is located behind a minimum setback line or a distance of twenty (20) feet from any property lines, whichever is greater, provided such distance may be reduced by fifty percent (1/2) where abutting a recorded utility or drainage easement.

2. Notwithstanding (1) above, the barbed wire fence may be located along a property line where abutting established industrial uses or property with industrial zoning however the barbed wire fence shall not abut a street right of way closer than the minimum setback line or twenty feet, whichever is greater.

3. The barbed wire conforms with the requirements of §6-2 of the Building Code.

d. Sheet, roll or corrugated metal except where used for a salvage yard erected pursuant to §16-193.

Staff's position is that any messages on fences or walls shall be permitted only in accordance with Chapter 28, though building plan review of the structure may be required. This includes subdivision entry monuments and walls erected around buildings that display the name(s) of the occupant.

In the realm of fence heights, staff takes the following positions:

1. Staff recommends clarifying section 35-514 (b) (2) relative to Large Lot Fencing, as well as the Table of Heights, to provide for "predominantly open fencing" for consistency with other City Code sections.
2. Staff recommends removing the last paragraph from 35-514 (b) (2) to create a separate section for vacant lots and provide for consideration of parking lots to be treated as parking lots. Further, removal of the phrase "in the front yard" is necessary as there is no structure on a vacant lot, the term "yard" is defined in Appendix A as:

An area extending the full width of a lot between the front lot line and the nearest principal structure.

As there is no structure, this phrase should not be used in conjunction with vacant lots, stormwater management facilities or swimming pools.

3. To reduce confusion staff recommends a simplification of Table of Fence heights contained in 35-514 to govern fencing based on permitted use of the property owner, rather than by zoning district.
4. Staff recommends adding provisions for fences on the interior of lots over 6-feet in height when required for business operations or for areas required for security reasons when attached to the main structure
5. Staff also recognizes that fences required as part of the landscaping buffer requirements are required at a 6 foot *minimum* height as such the Table of Fence heights excepts buffer fencing in footnote (1). Staff's position is that buffer fences may be permitted up to 12 feet in height in accordance with 6-2 of the Building Code.
6. Staff recommends harmonizing the three sections of 35-514 relative to subdivision perimeter fencing.
 - a. 35-514 (g) provides standards for fencing design for individual tracts subject to subdivision applications adjoining collector or arterial streets
 - b. 35-514 (d) and the Table of Fence Heights allow fences up to 8 feet in height for the perimeter of subdivisions.

Harmonizing these provisions will provide for continuity in fence design and clarification for future fence applications. So as to not unduly burden the developers of large scale residential subdivisions, staff recommends that the provisions for subdivision perimeter fencing should apply only to subdivisions that abut collector or arterial streets, which is also consistent with the requirements for streetscape planting.

Based on staff's position the following will be used to guide allowable fence heights:

(d) Height Limitation

(1) Except for the provisions in section (b) above no fence constructed shall exceed the following table of heights. In addition, the maximum permitted fence height shall not exceed that of the maximum permitted fence height for the abutting property except as provided in section (d)(2). The height shall be the vertical distance measured from the lowest adjacent ground level (either inside or outside the fence) to the top of the tallest element of the fence material, excluding decorative features affixed to the top of any column, pillar or post. The height of any existing retaining walls, either an integral part of a fence or upon which a fence may be erected, shall be calculated in the height of the fence, except in the following instances:

A. The retaining wall is necessary for structural soundness/integrity of building construction on the lot; or

B. The retaining wall is abutting a drainage easement or drainage infrastructure.

TABLE OF HEIGHTS
Maximum Permitted Fence Heights

<i>Permitted Use</i>	<i>Front Yard</i>	<i>Side Yard</i>	<i>Rear Yard</i>
<i>Single-Family, Multi-Family, Commercial or Office Use</i>	<i>3'0" solid fence 4'0" predominantly open fence Except as provided by(b)(2) above</i>	<i>6'0"</i>	<i>6'0"</i>
<i>Industrial Use (1)</i>	<i>8'0" (1)</i>	<i>8'0" (1)</i>	<i>8'0" (1)</i>
<i>Parking lots, Vacant lots, Churches, Schools, Swimming Pools, Stormwater Management Facilities, & Parks (Public property, including parks, require HDRC review)</i>	<i>6'0"</i>	<i>6'0"</i>	<i>6'0"</i>
<i>MI-1 or MI-2 Village Center</i>	<i>Allowed only by Specific use authorization</i>	<i>6'0"</i>	<i>6'0"</i>

Footnotes:

(1) This subsection shall not apply to fences erected as required by Chapter 16, Article VII of the Code (Salvage Yards and Auto Dismantlers), or in § 35-510, Buffers, of this chapter. Buffer fences shall be limited in height in accordance with §6-2 of the Building Code.

(2) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or altered up to a height of eight (8) feet where:

- A. The ground floor elevation within twenty (20) feet or less of the principal dwelling on either one of the two (2) adjoining lots is at least four (4) feet higher than the elevation at the adjoining lot line; or
- B. The fence is erected on a side or rear lot line which adjoins a collector street or arterial street (in which case streetscape planting shall be provided in accordance with section 35-512 of this chapter) as part of a multiple lot residential subdivision; or
- C. The fence is a sound barrier or fence required by TXDOT or a security fence required by the Department of Homeland Security for a public or institutional use; or
- D. The additional fence height is permitted by the city council pursuant to a rezoning or specific use authorization; or
- E. The fence is located on a side or rear residential lot line which abuts a "C-3" or more intensive use that does not require a buffer yard.

(3) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or altered up to the height of the adjacent building where the fence is located entirely on the interior of a lot behind all required building setback lines, attached to the main structure, and used for security purposes or for part of the intended use of the primary structure, such as fencing for outdoor display, for example an outdoor garden area, or lumber yard attached to a home improvement store.

12. Departmental Policy or Action:

(Including date of presentation of policy or action to the applicant, the effective date of the policy or action, schedule for pursuing an amendment to the code if required and signature of the Director of Development Services)

Date of policy/action: 3/3/09

Effective Date of policy/action: Immediately

The Department recommends the following policies to improve customer service, establish certainty for permitting and remove the need for variances.

The Department recommends moving the fencing material standards from the subdivision perimeter fencing standards to section 35-514 (a) of the ordinance, applicable to all fencing.

All fences shall be constructed of permanent material, such as wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron or other material which are similar in durability. The following materials shall not be used for fencing:

- a. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence.
- b. Plywood less than five-eighths (5/8) inches thick, plywood not of a grade approved by the code enforcement manager, particle board, paper, and visqueen plastic, plastic tarp, or similar material.
- c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury; provided, however, that barbed wire may be permitted under the following circumstances:

- 1. The fence proposed with barbed wire is located behind a minimum setback line or a distance of twenty (20) feet from any

property lines, whichever is greater, provided such distance may be reduced by fifty percent (1/2) where abutting a recorded utility or drainage easement.

2. Notwithstanding (1) above, the barbed wire fence may be located along a property line where abutting established industrial uses or property with industrial zoning however the barbed wire fence shall not abut a street right of way closer than the minimum setback line or twenty feet, whichever is greater.

3. The barbed wire conforms with the requirements of §6-2 of the Building Code.

d. Sheet, roll or corrugated metal except where used for a salvage yard erected pursuant to §16-193.

The Department's position is that any messages on fences or walls shall be permitted only in accordance with Chapter 28, though building plan review of the structure may be required. This includes subdivision entry monuments and walls erected around buildings that display the name(s) of the occupant.

In the realm of fence heights, the Department takes the following positions:

7. Staff recommends clarifying section 35-514 (b) (2) relative to Large Lot Fencing, as well as the Table of Heights, to provide for "predominantly open fencing" for consistency with other City Code sections.

8. Staff recommends removing the last paragraph from 35-514 (b) (2) to create a separate section for vacant lots and provide for consideration of parking lots to be treated as parking lots. Further, removal of the phrase "in the front yard" is necessary as there is no structure on a vacant lot, the term "yard" is defined in Appendix A as:

An area extending the full width of a lot between the front lot line and the nearest principal structure.

As there is no structure, this phrase should not be used in conjunction with vacant lots, stormwater management facilities or swimming pools.

9. To reduce confusion staff recommends a simplification of Table of Fence heights contained in 35-514 to govern fencing based on permitted use of the property owner, rather than by zoning district.

10. Staff recommends adding provisions for fences on the interior of lots over 6-feet in height when required for business operations or for areas required for security reasons when attached to the main structure

11. Staff also recognizes that fences required as part of the landscaping buffer requirements are required at a 6 foot *minimum* height as such the Table of Fence heights excepts buffer fencing in footnote (1). Staff's position is that buffer fences may be permitted up to 12 feet in height in accordance with 6-2 of the Building Code.

12. Staff recommends harmonizing the three sections of 35-514 relative to subdivision perimeter fencing.

a. 35-514 (g) provides standards for fencing design for individual tracts subject to subdivision applications adjoining collector or arterial streets

- b. 35-514 (d) and the Table of Fence Heights allow fences up to 8 feet in height for the perimeter of subdivisions.

Harmonizing these provisions will provide for continuity in fence design and clarification for future fence applications. So as to not unduly burden the developers of large scale residential subdivisions, staff recommends that the provisions for subdivision perimeter fencing should apply only to subdivisions that abut collector or arterial streets, which is also consistent with the requirements for streetscape planting.

The Director hereby directs staff to prepare revisions to Section 35-514 of the UDC, "Fences," with the stated goals of reducing ambiguity, improving ordinance readability, reducing the need for variances and provide standards for safe and cost efficient fencing throughout the City of San Antonio as set forth below:

Sec. 35-514. Fences.

(a) General.

- (1) *No fence may be constructed or expanded within the city limits without first obtaining a building permit for such work.*
- (2) *All fences constructed within the city limits or ETJ shall comply with the clear vision area provisions in section 35-506, Transportation and Street Design, (d) Cross-Section and Construction Standards, 5. Intersection Sight Distance.*
- (3) *Freestanding walls, not an integral load bearing portion of a structure, whether constructed of masonry or wood framing, shall be considered fencing.*
- (4) *All solid screen fences allowed to be constructed in excess of six (6) feet in height shall require certification by a licensed engineer or architect that the foundation and support structure are designed to sustain wind loads up to fifty (50) miles per hour.*
- (5) *If the subject property is within a historic district, corridor overlay or a neighborhood conservation district the director of planning and development services must make a finding of compliance and compatibility with the provisions of the historic, corridor and/or neighborhood conservation district prior to issuance of a building permit for any fence.*
- (6) *All fences shall be constructed of wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron or other material(s) which are similar in durability. The following materials shall not be used for fencing:*
 - a. Cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence.*
 - b. Plywood less than five-eighths (5/8) inches thick, plywood not of a grade approved by the code enforcement manager, particle board, paper, and visqueen plastic, plastic tarp, or similar material.*
 - c. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury; provided, however, that barbed wire may be permitted under the following circumstances:*
 - 1. The fence proposed with barbed wire is located behind a minimum setback line or a distance of twenty (20) feet from any*

property lines, whichever is greater, provided such distance may be reduced by fifty percent (1/2) where abutting a recorded utility or drainage easement.

2. Notwithstanding (1) above, the barbed wire fence may be located along a property line where abutting established industrial uses or property with industrial zoning however the barbed wire fence shall not abut a street right of way closer than the minimum setback line or twenty feet, whichever is greater.

3. The barbed wire conforms with the requirements of §6-2 of the Building Code.

d. Sheet, roll or corrugated metal except where used for a salvage yard erected pursuant to §16-193.

(b) Fencing Alternatives.

(1) Sport Court Fencing. Fencing, screening and/or back stops for sport courts such as basketball, tennis, batters cages etc. shall be constructed only in the rear yard and shall be located no closer than twenty (20) feet to a side or rear property line of an adjacent single-family use or residential zoning district and/or a public or private street. The maximum height for sport court fencing shall be in accordance with §6-2 of the Building Code.

(2) Large Lot Fencing. Predominantly Open fencing at a maximum height of six (6) feet may be permitted in the front yard of lots within "FR", "RE" and "R-20" single-family zoning districts by right and on all other single-family zoned lots by special exception pursuant to §35-399.04. Whether permitted by right or special exception each of the following conditions must be met to construct a six-foot fence in the front yard:

A. The lot is equal to or greater than twenty thousand (20,000) square feet in size;

B. The primary building is located at least forty (40) feet from the front property line; and

C. The lot has at least one hundred (100) feet of street frontage.

(3) Fencing of vacant lots or parking lots. ~~A~~ predominantly open fence not exceeding a height of six (6) feet ~~in the front yard~~ may be constructed on a vacant lot or parking lot. However, at such time that a house or structure is constructed on the lot, that portion of the fence constructed in the front yard ~~of the house or structure~~ shall be removed or reduced in height to a maximum of three (3) feet in height for a solid fence and four (4) feet in height for ~~a~~ predominantly open fence unless said lot and fence meet the criteria of (2) A., B. and C. above.

~~(3)~~ **(4) Ornamental-Iron Fences.** Ornamental fencing in front yards (see 35-399.04).

(c) Fence Design.

(1) No fence or portion thereof, shall exceed one hundred (100) horizontal feet in length unless one (1) of the following architectural features visible from the paved surface of the street is provided as part of the fence:

- A. A column or pillar; or
- B. Articulation of the surface plane by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet.

(2) ~~The provisions of subsection (1) above shall not apply to a fence constructed of brick, masonry, or iron fencing which consists of at least fifty (50) percent open voids. The square footage of the fence shall be measured by taking the total square footage of an area defined by the length of the fence and its average height. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the area calculated above, and multiplying this figure by one hundred (100). The fence's framing (the vertical posts supporting the fence from the ground and no more than three (3) horizontal cross bars between the posts, or brick or stone pillars) shall not be included in the calculation of the total square footage, provided the framing posts and cross bars do not exceed a four-inch width and the posts are spaced at least eight (8) feet apart.~~

(3). Fences used to display a message shall comply with Chapter 28, "Signs and Billboards."

(d) Height Limitation

(1) Except for the provisions in section (b) above no fence constructed shall exceed the following table of heights. In addition, the maximum permitted fence height shall not exceed that of the maximum permitted fence height for the abutting property except as provided in section (d)(2). The height shall be the vertical distance measured from the lowest adjacent ground level (either inside or outside the fence) to the top of the tallest element of the fence material, excluding decorative features affixed to the top of any column, pillar or post. The height of any existing retaining walls, either an integral part of a fence or upon which a fence may be erected, shall be calculated in the height of the fence, except in the following instances:

- A. The retaining wall is necessary for structural soundness/integrity of building construction on the lot; or
- B. The retaining wall is abutting a drainage easement or drainage infrastructure.

TABLE OF HEIGHTS
Maximum Permitted Fence Heights(3)

Permitted Use or Base Zoning District	Front Yard	Side Yard	Rear Yard
Single-Family Use Or Residential Zoning Districts	3'0" solid fence 4'0" <u>predominantly open</u> <u>fence</u>	6'0"	6'0"

	<u>Except as provided by(b)(2) above</u>		
Multi-Family Use Or Multi-Family Zoning Districts	3'0" solid fence 4'0" <u>predominantly open</u> <u>fence</u>	6'0"	6'0"
Commercial & Office Use Or Commercial & Office Zoning Districts	3'0" solid fence 4'0" <u>predominantly open</u> <u>fence</u>	6'0"	6'0"
Industrial Use (1) , (2) Or Industrial Zoning Districts	8'0" (1), (2)	8'0" (1), (2)	8'0" (1), (2)
<u>Base Zoning & Flex Districts</u> <u>Parking lots, Vacant lots, Churches,</u> <u>Schools, Swimming Pools, Stormwater</u> <u>Management Facilities,</u> <u>& Parks (Public property, including</u> <u>parks, require HDRC review)</u>	6'0"	6'0"	6'0"
UD Single Family—	3'0" solid fence 4'0" <u>predominantly open</u> <u>fence</u>	6'0"	6'0"
UD Multi-Family 15 & 33—	3'0" solid fence 4'0" <u>predominantly open</u> <u>fence</u>	6'0"	6'0"
UD Commercial—	3'0" solid fence 4'0" <u>predominantly open</u> <u>fence</u>	6'0"	6'0"
RD Single-Family—	3'0" solid fence 4'0" <u>predominantly open</u> <u>fence</u>	6'0"	6'0"
RD Commercial—	3'0" solid fence 4'0" <u>predominantly open</u> <u>fence</u>	6'0"	6'0"
FR Single-Family—	6'0"	6'0"	6'0"
FR AG-Commercial—	6'0"	6'0"	6'0"
MI-1 & 2 (1), (2)	8'0" (1), (2)	8'0" (1), (2)	8'0" (1), (2)
MI-1 or MI-2 Village Center	Allowed only by Specific use <u>permit authorization</u>	6'0"	6'0"

MI 2 Village Center	Allowed only by Specific use permit	6'0"	6'0"
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Footnotes:

(1) This subsection shall not apply to fences erected as required by Chapter 16, Article VII of the Code (Salvage Yards and Auto Dismantlers), or in § 35-510, Buffers, of this chapter. Buffer fences shall be limited in height in accordance with §6-2 of the Building Code.

~~(2) In L, I1, I2, MI 1 & MI 2 industrial districts, fronting or adjacent to commercial uses and/or zoning districts, the maximum permitted fence height shall not exceed that of the permitted fence height in the adjacent non industrial zoning district or use.~~

~~(3) Shall not apply to perimeter fencing of a subdivision.~~

(2) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or altered up to a height of eight (8) feet where:

~~A. The fence adjoins a perimeter street of the subdivision; or~~

~~BA. The ground floor elevation within twenty (20) feet or less of the principal dwelling on either one of the two (2) adjoining lots is at least four (4) feet higher than the elevation at the adjoining lot line; or~~

~~CB. The fence ~~abuts~~ is erected on a side or rear lot line which adjoins a collector street or arterial street (in which case streetscape planting shall be provided in accordance with section 35-512 of this chapter) as part of a multiple lot residential subdivision; or~~

~~DC. The fence is a sound barrier or fence required by TXDOT or a security fence required by the Department of Homeland Security for a public or institutional use; or~~

~~ED. The additional fence height is permitted by the city council pursuant to a rezoning or specific use permit authorization; or~~

~~FE. The fence is located on a side or rear residential lot line which abuts a "C-3" or more intensive use that does not require a buffer yard.~~

(3) Notwithstanding the provisions of subsection (d)(1), above, a fence may be erected or altered up to the height of the adjacent building where the fence is located entirely on the interior of a lot behind all required building setback lines, attached to the main structure, and used for security purposes or for part of the intended use of the primary structure, such as fencing for outdoor display, for example an outdoor garden area, or lumber yard attached to a home improvement store.

(e) Fencing Requirements For Uses Adjoining Certain Single Family Residential Zoning Districts Uses.

(1) All property zoned for nonresidential or multi-family residential uses including residential districts with conditional uses or specific use authorizations for non-residential uses, excluding property located within the mixed-use district "MXD" or infill development zone "IDZ", shall erect and maintain solid screen (opaque) fencing along the property boundaries adjacent to an existing single-family residential use ~~or a more restrictive single family residential zoning district.~~

(2) As a minimum, the fencing shall consist of ~~wood~~ solid screen materials and shall be six (6) feet in height except where a lower height is required by subsection (d) above. The fencing shall be required to be constructed and finished prior to obtaining the first certificate of occupancy for the newly zoned property.

(3) With the zoning applicant's consent, the city council may modify or exempt the ~~residential protection fencing requirement requirements of (e)(1)~~ or approve alternative screening measures, such as landscaped buffer yards, when considering a change in zoning, including conditional use and specific use authorization cases.

(4) The fencing requirements of section 35-514 shall apply in zoning cases initiated by the City of San Antonio unless a statement specifically exempting the property from the fence provisions is included in the ordinance approving the zoning.

(f) ~~Apartments~~ Multi-family dwellings. ~~Apartment complexes~~ Multi-family dwellings consisting of twenty-five (25) or more units may erect fences higher than permitted in subsection (d) within the front yard in accordance with the following criteria:

(1) Fencing shall be limited to a maximum height of six (6) feet and shall be constructed of wrought iron or similar material with a minimum spacing of three (3) inches between vertical bars.

(2) Solid screen fencing may be erected within the front yard along side property lines if a three-foot landscape area is provided and maintained outside the fence if it abuts a more restrictive zoning district. The landscape area shall contain a minimum of five (5) shrubs per twenty-five (25) linear feet and shall include ground cover.

(3) All requests for fencing in accordance with this subsection shall be reviewed by the fire and public works departments for accessibility of fire equipment and maintenance of clear vision areas.

(g) Residential Subdivision Perimeter Fencing.

(1) *Legislative Findings and Purpose.* The city council finds that it is necessary for the public welfare to impose standards to improve and preserve the quality of a subdivision's perimeter fences in residential neighborhoods in order to avoid blighting influences on neighborhoods and public safety problems.

(2) *Applicability.* The requirements of this subsection apply only to fences located along the perimeter of a tract or; parcel ~~or subdivision~~ subject to an application for subdivision plat approval which adjoins a collector or arterial street or a platted multiple lot residential subdivision that adjoins a collector or arterial street.

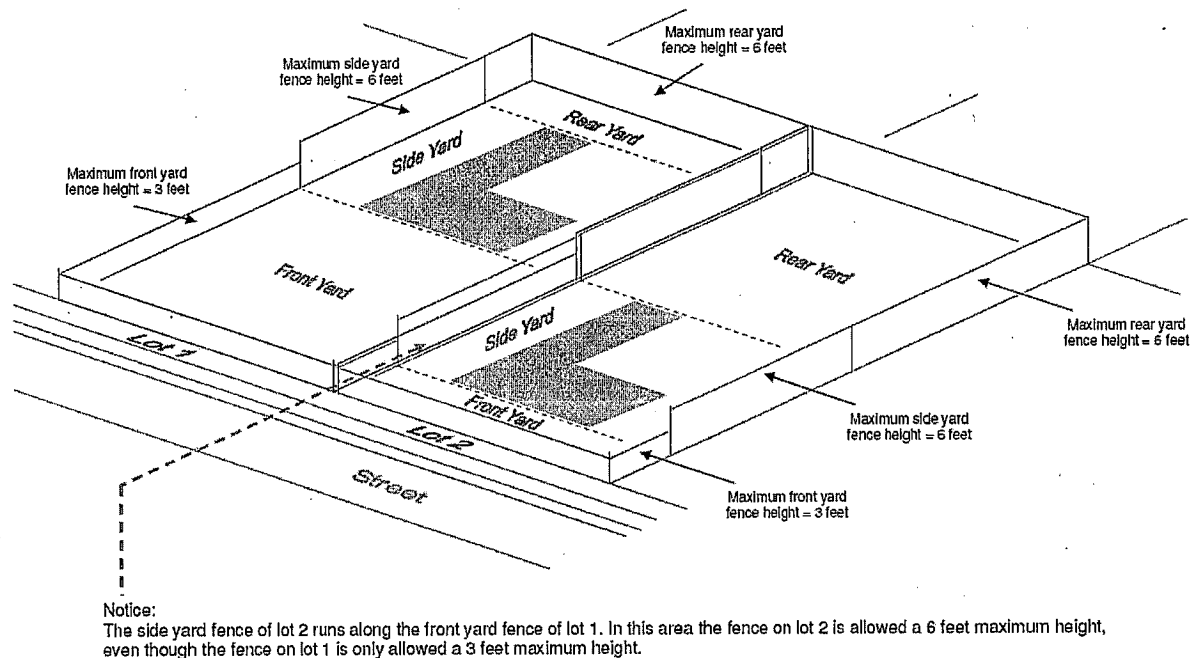
(3) *Standards.*

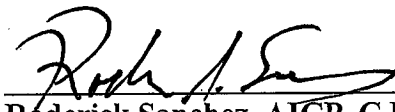
~~A. A fence may be constructed of permanent material, such as wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron or other material which are similar in durability.~~

~~B. The following materials shall not be used for fencing subject to this subsection:~~

- ~~1. Cast off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence.~~
- ~~2. Plywood less than five eighths (5/8) inches thick, plywood not of a grade approved by the code enforcement manager, particle board, paper, and visqueen plastic, plastic tarp, or similar material.~~
- ~~3. Barbed wire, razor wire, and other similar fencing materials capable of inflicting significant physical injury.~~
- ~~4. Sheet, roll or corrugated metal.~~

Finally, the Director proposes an addition of the following graphic to relate to the Table of Fence heights to clarify how maximum are calculated.




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Director, Planning & Development Services Department